

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of AVERY ANTHONY POLL,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TAMRA POLL,

Respondent-Appellant.

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UNPUBLISHED

October 16, 2008

No. 285044

Osceola Circuit Court

Family Division

LC No. 07-004382-NA

Before: Markey, P.J., and Sawyer and Kelly, JJ.

MEMORANDUM.

Respondent mother appeals as of right from an initial dispositional order. We vacate the court's dispositional order, reverse, and remand for further proceedings.

On appeal, the mother argues that the trial court had no authority to proceed to disposition where the sole basis for assuming jurisdiction over the minor child was the no-contest plea of the child's father. We agree. The only reference to the child's father in the original petition was in paragraph three, which stated the following: "Tamra reported that William Anderson has a lengthy criminal history and mental health issues. This has not been verified as Tamra has not provided sufficient information regarding William to complete a background check, and locate or notify William." The father's attorney indicated that the father would be pleading no contest to the petition "based on the fact that there's no allegations [sic] contained in the petition regarding him." The father pleaded no contest based on lack of information.

The trial court erred in assuming jurisdiction over the minor child because the petition contained no allegations of wrongdoing against the child's father, whose plea was the basis for assuming jurisdiction. *In re SLH*, 277 Mich App 662, 670-671; 747 NW2d 547 (2008). Allegations against a parent cannot be inferred, but must be specifically alleged in the petition. *Id.* There were no allegations that the father in this case was guilty of negligence or wrongdoing, other than hearsay relating the mother's statements that the child's father had a criminal history and mental health issues. The father, who had not seen the child since he was an infant, acknowledged having no information about the child or the allegations of the petition. The plea of a non-respondent parent does not give the court jurisdiction over the child. *Id.*

Because reversal is warranted, we decline to address respondent mother's remaining issue.

The dispositional order is vacated. We reverse and remand for further proceedings. We do not retain jurisdiction.

/s/ Jane E. Markey

/s/ David H. Sawyer

/s/ Kirsten Frank Kelly